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10/722,712	11/25/2003	Dirk Erickson	DC-05756	7501

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EXAMINER

PATEL, GAUTAM

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/722,712

Applicant(s)

ERICKSON ET AL.

Examiner

Gautam R. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This is in response to amendment filed on 11/6/06.
2. Claims 1-20 remain for examination.

Objection to Specification

3. The disclosure is objected for following reasons.
 - a. Abbreviation "IR" used in claim 5 is NOT defined. IR needs to be defined first time it is being used in the specification and/or claims.
Correction is required.
 - b. Specification page 5, line 31 has "serial number ____". This makes line incomplete. Another related serial number must be added in the space. Typographical error is assumed.

Claim Rejections - 35 U.S.C. § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nishizawa et al., US. patent Application 2003/0095487 A1 (hereafter Nishizawa).

As to claim 1, Nishizawa discloses the invention as claimed [see Figs. 4, 6-11 & 14-15] including plural components, an optical drive and an optical medium identification module, comprising:

plural components [fig. 4] operable to process information [paragraphs 69-75];

an optical drive interfaced [fig. 4, unit 51, 52] with the plural components and operable to communicate information between the plural components and an optical medium [fig. 4, unit 10,

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20 or 30], the optical drive having plural lasers, each laser associated with a type of optical medium [signals DS1 to DS3] [paragraphs 77, 81 and 86]; and

an optical medium identification module [fig. 4, units 53, 60 65 etc.] associated with the optical drive and operable to illuminate an optical medium with a first of the plural lasers to detect identification information embedded on the optical medium that identifies the optical medium as associated with a second of the plural lasers [paragraphs 77, 81, 86, 90, 101 and 120].

5. The aforementioned claim 2, recites the following elements, inter alia, disclosed in Nishizawa:

the first laser comprises a red laser [laser for CD, disk 10] and the second laser comprises a blue laser [laser for HD, disk 30] [paragraphs, 77, 81, 86].

6. The aforementioned claim 3, recites the following elements, inter alia, disclosed in Nishizawa:

the optical medium identification module is further operable to initiate use of the blue laser for the optical medium if the red laser detects the identification information associated with the blue laser [fig. 6 and paragraphs 102-110].

7. The aforementioned claim 4, recites the following elements, inter alia, disclosed in Nishizawa:

the optical medium identification module is further operable to perform a DVD detection algorithm if the red laser fails to detect the identification information associated with the blue laser [fig. 9, paragraphs 100-102].

8. The aforementioned claim 5, recites the following elements, inter alia, disclosed in Nishizawa:

the plural lasers further comprise an IR laser and the optical medium identification module is further operable to perform a CD detection algorithm with the IR laser if the DVD detection algorithm fails to identify the optical medium as a DVD [fig. 6 and paragraphs 102-110].

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9. The aforementioned claim 6, recites the following elements, inter alia, disclosed in Nishizawa:

the first laser comprises an IR laser [laser for CD, disk 10] and the second laser comprises a blue laser [laser for HD, disk 30] [paragraphs, 77, 81, 86].

10. The aforementioned claim 7, recites the following elements, inter alia, disclosed in Nishizawa:

the optical medium identification module is further operable to initiate use of the blue laser for the optical medium if the IR laser detects the identification information associated with the blue laser [fig. 6 and paragraphs 102-110].

11. The aforementioned claim 8, recites the following elements, inter alia, disclosed in Nishizawa:

the optical medium identification module is further operable to perform a CD detection algorithm if the IR laser fails to detect the identification information associated with the blue laser [fig. 9, paragraphs 100-102].

12. The aforementioned claim 9, recites the following elements, inter alia, disclosed in Nishizawa:

the plural lasers further comprise a red laser and the optical medium identification module is further operable to perform a DVD detection algorithm with the red laser if the CD detection algorithm fails to identify the optical medium as a CD [fig. 9, paragraphs 100-102].

13. The aforementioned claim 10, recites the following elements, inter alia, disclosed in Nishizawa:

selecting a first of the plural lasers to illuminate the optical medium; attempting with the first laser to read identification information from the optical medium that is associated with a second of the plural lasers; initiating use of the second laser according to the identification information if the attempt to read the identification information with the first laser succeeds; and performing a detection algorithm with the first laser if the attempt to read the identification

information fails, the first laser detection algorithm attempting to identify the optical medium as associated with the first laser [fig. 6 and paragraphs 102-110].

14. The aforementioned claim 11, recites the following elements, inter alia, disclosed in Nishizawa:

initiating use of the first laser if the first laser detection algorithm succeeds;

performing a detection algorithm with a third laser if the first laser detection algorithm fails, the third laser detection algorithm attempting to identify the optical medium as associated with the third laser [fig. 6 and paragraphs 102-110].

15. The aforementioned claim 12, recites the following elements, inter alia, disclosed in Nishizawa:

the first laser comprises a red laser, the second laser comprises a blue laser and the third laser comprises an IR laser [paragraphs 81, 102-110].

16. The aforementioned claim 13, recites the following elements, inter alia, disclosed in Nishizawa:

the first laser comprises an IR laser, the second laser comprises a blue laser and the third laser comprises a red laser [paragraphs 81, 102-110].

17. The aforementioned claim 14, recites the following elements, inter alia, disclosed in Nishizawa:

the optical medium associated with the first laser comprises a DVD and the optical medium associated with the third laser comprises a CD [fig. 6 and paragraphs 102-110].

18. The aforementioned claim 15, recites the following elements, inter alia, disclosed in Nishizawa:

the optical medium associated with the first laser comprises a CD and the optical medium associated with the third laser comprises a DVD [fig. 6 and paragraphs 102-110].

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19. The aforementioned claim 16, recites the following elements, inter alia, disclosed in Nishizawa:

a data layer operable to store data readable by a first laser;
a protective surface disposed over the optical medium; embedded identification information disposed for reading by a second laser, the identification information identifying the optical medium as associated with the first laser [fig. 6 and paragraphs 102-110].

20. The aforementioned claim 17, recites the following elements, inter alia, disclosed in Nishizawa:

the identification information is embedded on the protective surface [fig. 6 and paragraphs 102-110].

NOTE: Identification information is inherently done on the protective layer so as not to scratch the data surface.

21. The aforementioned claim 18, recites the following elements, inter alia, disclosed in Nishizawa:

the first laser comprises a blue laser and the second laser comprises an IR laser [fig. 6 and paragraphs 102-110].

22. The aforementioned claim 19, recites the following elements, inter alia, disclosed in Nishizawa:

first laser comprises a blue laser and the second laser comprises a red laser. [fig. 6 and paragraphs 102-110].

Claim Rejections - 35 U.S.C. § 103

23. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishizawa as applied to claim 1-19 above.

As to claim 20 Nishizawa discloses all of the above elements and steps. Nishizawa does not specifically disclose id information embedded in the data layer is of the size 0.3 mm long and 0.5 mm of width. "Official Notice" is taken that both the concept and the advantages of providing small ID marks which include the size 0.3 mm long and 0.5 mm wide are well known and expected in the art. It would have been obvious to include this size IDs to the system of Nishizawa as these small marks are known to provide the system with minimum area loss and thus saving money and provide more space for data writing. These concepts are well known in the art and do not constitute a patentably distinct limitation, per se [M.P.E.P. 2144.03].

24. Applicant's arguments filed on 11/6/06 have been fully considered but they are not deemed to be persuasive for the following reasons.

In the REMARKS, the Applicant argues as follows:

A) That: "Claim 1 recites in part, "an optical medium identification modulethat identifies the optical medium as associated with a second of the plural lasers."

Claim 10 recites, in part, "attempting with first laser to read identification information from the optical medium that is associated with a second of plural lasers."

Claim 16 recites, in part, "embedded identification information disposed for reading by a second laser, the identification information identifying the optical medium as associated with the first laser." [page 6, paragraphs 3-5; REMARKS].

FIRST: When first laser is started and it detects that disc is NOT for that particular laser by definition it identifies that disc by default is for second laser.

SECOND: One of ordinary skill in the art would have realized that since two separate diodes are used [e.g. one for CD and one for DVD] in focus search mode to perform during an interval identifying the type of disc placed on say DVD reproducing system, only the second laser diode for DVD can be used in the DVD system reproducing system. This is because the

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second wavelength and focus length of second light source for DVD are shorter than those of first light source for the CD and because the identifying of the type of an optical medium is easier.

THIRD: More importantly Nishizawa does disclose this aspect when first laser is first started for initial setting [see paragraphs 86, 90, 91, 101, 120, 128, 131]. Here again Nishizawa disclose that second or third laser can be used for identifying the disc.

25. **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact information

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is 571-272-7625. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2600) where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dwayne Bost, who can be reached on (571) 272-7023.

Any inquiry of a general nature or relating to the status of this application should be directed to the Electronic Business Center whose telephone number is 866-217-9197 or the USPTO contact Center telephone number is (800) PTO-9199.



**GAUTAM R. PATEL
PRIMARY EXAMINER**

Gautam R. Patel
Primary Examiner
Group Art Unit 2627

December 13, 2006